IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9446 OF 2003

Smt. Rajashri Dagdu Kedare .. Petitioner.

vs.

Devidas alias Balu Kisan

Kedare & Ors. .. Respondents.

Mr. Sachin Pande with Rajiv Patil

for petitioner.

Mr. A.H. Palekar for State.

CORAM : S.U. KAMDAR, J.

DATE : 20th December, 2005.

P.C.:

. The present petition is filed challenging the revenue entries made in the record of rights. The revenue authority has come to the conclusion that the property is the private property and, therefore, the names of the respondent nos. 2, 3, 4 and 5 are directed to be added. In my opinion, the dispute which is between the two private parties is required to be thrashed out in a civil suit between the parties and revenue proceedings cannot be utilised for the purpose of establishing their title in respect of the suit land. The impugned order considering prima facie the rights of the parties will not come in the way of the petitioner filing a

civil suit in the court of civil jurisdiction and if such a suit is filed the trial Court will proceed and determine the rights of the parties on the basis of the material produced without taking into consideration any of the observations made by the learned Minister in the order impugned herein. The petition is disposed of accordingly. No order as to costs.